

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVIN OMAR HARPER,

Plaintiff,

v.

GARY BOUGHTON, JONATHAN BUSSIE,
GEORGE G. REICHERT, LUCINDA BUCHANAN,
LUCAS WEBER, KEVIN BOODRY, BRYAN GERRY,
CHRISTOPHER OLSON, RANDY SCHNEIDER,
JORDAN THOME-HOUGH, TARA WOODRUFF,
GARRETT BARRY, SHARDA ANDERSON,
BRITTANY WILLIAMS, RYAN WINWOOD,
SHAYNE LLOYD, JEFFREY NGUYEN, TRAVIS
KLEMM, CHRISTOPHER BORTZ, SUSAN NOVAK,
ANGELA DODGE, and JOHN DOES
CORRECTIONAL OFFICERS,

Defendants.

ORDER

19-cv-723-jdp

Pro se plaintiff and prisoner Kevin Omar Harper is proceeding on claims that prison staff at Columbia Correctional Institution disregarded his serious asthma condition, failed to provide him medical treatment for his asthma, and used excessive force against him. His claims are based on incidents that occurred while Harper was housed in the segregation unit at CCI between November 15 to December 17, 2018. When I screened Harper's complaint, I permitted him to proceed against several Doe correctional officers because Harper did not know the names of all the officers involved in the incidents. Harper has now filed a motion to amend his complaint to add the names of the Doe defendants as follows:

- The Doe officers who denied Harper access to his asthma medication during the second shift on November 28, 2018 are Brandon Kleist, Garrett Barry, Jarrett Tierney, and Benjamin Manders.

- The Doe officers who were involved in deploying pepper spray on November 28, 2018 are Andrew Jezuit, James Moore, Chong Xiong, and Benjamin Manders.
- The Doe officers who denied Harper medical assistance during the third shift on November 28, 2018 are James Moore, Tara Woodruff, Elizabeth Easton, and Kelly Kutina.
- The Doe officers who denied Harper his asthma medication on December 2, 2018 during the second shift are Andrew Wiersma, Garrett Barry, Christopher Terstriep, and Elizabeth Easton.
- The Does officers who denied Harper his asthma medication on December 18, 2018 during the first shift are Joshua Bender, Jason Rhode, and Daniel Boswell.

The caption will be amended accordingly. Harper also filed a motion to compel defendants to provide information about the Doe defendants, Dkt. 54, but he filed that motion prematurely, and it is now moot in light of Harper's motion to amend his complaint.

Harper also has filed motion requesting information about the location of defendant Tara Woodruff, and he asks the court to order the Marshal Service to take additional efforts to locate her. Dkt. 59. I will deny the motion. The Marshal Service used reasonable effort to locate and serve Woodruff, including by searching Google, two law enforcement databases, Columbia County court records, and Columbia County human resources records, and by contacting Woodruff's former employer. Dkt. 53. The Marshal Service has been unable to locate or serve Woodruff. Because Woodruff has not been served, I will dismiss Harper's claims against Woodruff at this time without prejudice. If Harper learns specific information about Woodruff's location or is able to arrange service on Woodruff himself, he should notify the court.

ORDER

IT IS ORDERED that:

1. Plaintiff Kevin Omar Harper's motion to compel, Dkt. 54, is DENIED as moot.
2. Plaintiff's motion to amend his complaint, Dkt. 56, is GRANTED as set forth above.
3. The caption shall be amended to include as defendants Brandon Kleist, Jarrett Tierney, Benjamin Manders, Andrew Jezuit, James Moore, Chong Xiong, Elizabeth Easton, Kelly Kutina, Andrew Wiersma, Christopher Terstriep, Joshua Bender, Jason Rhode, and Daniel Boswell.
4. Plaintiff's motion requesting that the court order the Marshal Service to take additional efforts to locate Tara Woodruff, Dkt. 59, is DENIED. Plaintiff's claims against Woodruff are DISMISSED without prejudice.

Entered December 11, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge